

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-v-

5:04-CV-561

**WILLIAM P. SULLIVAN, JR., CECELIA M.
SULLIVAN, RICHARD P. SULLIVAN, MARY S.
RYAN, ESTATE of WILLIAM P. SULLIVAN, through
its executor, William P. Sullivan, Jr., NEW YORK
STATE DEPARTMENT OF TAXATION AND
FINANCE, ITHACA JOURNAL,
MARTINDALE-HUBBELL, WEST GROUP
PUBLISHING, CAYUGA MEDICAL CENTER,**

Defendants.

APPEARANCES:

HON. GLENN T. SUDDABY, United States Attorney
WENDY J. KISCH, Esq., of Counsel, Assistant United States Attorney
U.S. Department of Justice, Tax Division
P.O. Box 55
Ben Franklin Station
Washington, D.C. 20044

WILLIAM P. SULLIVAN, JR.
Defendant, *pro se*

CECELIA M. SULLIVAN
Defendant, *pro se*

WILLIAM SULLIVAN, JR., as Executor
417 North Aurora St.
Ithaca, New York 14850
Defendant Estate of William P. Sullivan

HON ANDREW M. CUOMO, Attorney General of the State of New York
Peter A. Sparagna, Esq., Assistant Attorney General
Department of Law, The Capitol
Albany, New York 12224

Hon. Norman A. Mordue, Chief U.S. District Judge:

MEMORANDUM-DECISION AND ORDER

The United States of America has demonstrated its entitlement to summary judgment on its motion (Dkt. No. 28) against William P. Sullivan, Jr. to recover civil penalties assessed against

him for the 1992 through 1998 tax years, for federal unemployment tax liabilities (Form 940), for the 1994 through 1996 tax years and for federal employment tax liabilities (Form 941) against William P. Sullivan, Jr. for the June, 1996 through June 1997 tax periods. The United States is entitled to judgment against William P. Sullivan, Jr. in the total amount of \$43,167.84, plus interest and penalties from August 29, 2006.

The United States has further demonstrated its entitlement to dismissal of the foreclosure aspect of the case, without prejudice, pursuant to 41(b).

There is no opposition to the motion.

It is therefore

ORDERED that plaintiff's motion (Dkt. No. 28) is granted; and it is further

ORDERED that summary judgment is granted against William P. Sullivan, Jr. in the amount of \$43,167.84 plus interest and penalties from August 29, 2006; and it is further

ORDERED that the remainder of the complaint, seeking to foreclose on certain real property, is dismissed without prejudice.

IT IS SO ORDERED.

February 9, 2007
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge